

**In the United States District Court
for the
Western District of Texas**

ROSA ELVA VARGAS, et. al.

§

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v.

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**HEB GROCERY COMPANY, L.P., et.
al.**

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SA-12-CV-116-XR

ORDER

Upon reviewing the briefing recently submitted by the parties and for the reasons stated in the Court's previous order, the Court finds that Plaintiffs' allegations are sufficient to allow an initial conditional certification of the case as a collective action. Therefore, the Court GRANTS, in part, the Plaintiffs' Motion for Conditional Class Certification and for Notice to Putative Class Members (docket no. 21).

The Court certifies two classes as follows:

- A class of all Pastranas produce workers (excluding workers who have signed releases releasing Pastranas Produce, Inc. of any FLSA claim) employed by Pastranas from February 3, 2009 through February 3, 2012, and assigned to any HEB store in Texas, to determine whether Pastranas (and only Pastranas) properly paid the workers in conformance with the FLSA.
- A class of all Pastranas produce workers (excluding workers who have signed releases releasing HEB Grocery Company, L.P. of any FLSA claim) employed by Pastranas from February 3, 2009 through February 3, 2012, and assigned to one of the following 17 HEB stores, to determine whether Pastranas and HEB as joint employer properly paid the workers in conformance with the FLSA:

1. Austin 1, 2701 East 7th, Austin TX 78702
2. Austin 2, 6607 South I-35 Austin, TX 78744
3. Austin 3 - 1000 East 41 St., Austin, TX 78751
4. Austin 7 - 1434 Wells Brach Pkwy., Pflugerville, TX 78660
5. Austin 8 - 2400 S. Congress, Austin, TX 78704
6. Austin 12 - 2508 E. Riverside, Austin, TX 78741
7. Austin 13 - 7112 Ed Bluestein #125, Austin, TX 78723
8. Austin 15 - 9414 N. Lamar Blvd., Austin, TX 78753
9. Bastrop - 104 Hasler Blvd., Bastrop, TX 78602
10. Belton - 525 North Main St., Belton, TX 76513
11. Buda - 15300 S. IH-35, Buda, TX 78610
12. Elgin - 1080 East Hwy. 290, Elgin, TX 78621
13. Gonzales - 424 St. Matthew, Gonzales, TX 78629
14. Kyle - 5401 South FM 1626, Kyle, TX 78640

15. Leander - 651 N. U.S. Highway 183, Leander, TX 78641
16. Round Rock 3 - 603 Louis Henna Blvd. Bldg. A, Round Rock, TX 78664
17. Round Rock 4 - 1700 East Palm Valley Blvd., Round Rock, TX 78664

To facilitate the progression of this case through a final determination of the collective action status, the Court ORDERS Pastranas Produce, Inc. to provide the Plaintiffs with two distinct lists (as specified above) of the names and last known addresses of all applicable produce workers within fourteen (14) days of the date of this Order.

It is further ORDERED that upon receipt of said lists by the Plaintiffs, the Plaintiffs shall, within fourteen (14) days, mail an agreed upon Notice to Potential Class members to those employees identified by the Defendant with a date specific deadline for opting-in that is sixty (60) days from the date of the mailing of the notices.

SIGNED this 2nd day of October, 2012.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE